FAO No. 162 of 2007.

24.10.2007 Present: Mr. Ashwani Sharma, Advocate, for the appellant.

Mr. Tarlok Chauhan, Advocate, for respondents 4 and 5.

Mr. Sharma prays for the deletion of the name of respondent No.6 from the array of parties, as according to him for the present appeal this respondent is neither a necessary nor a proper party. Oral prayer allowed. I order accordingly. Amended memo of parties shall be filed in two weeks.

The parties agree that this case being identical to FAO No.10 of 2000 which alongwith other connected cases was decided by the learned Single Bench of this Court on 21st September, 2005. The parties also agree that the ratio in the aforesaid judgment shall squarely be applicable to this case. Following suit, the appeal of the appellant-insurer is allowed. The impugned award and judgment of the Tribunal in so far as it directs the appellant-insurer to pay the compensation amount to the claimants in the first instance is set aside. Consequently, it is ordered and directed that respondent No.5 shall be liable to pay the entire compensation amount to the claimants.

Whatever amount has been deposited by the appellant-insurer in this Court shall be refunded to it.

CMP No. 385 of 2007.

In view of the disposal of the appeal, this application is also disposed of and the interim order dated 18th May, 2007 shall stand vacated.

October 24, 2007. **(V.K. Gupta), C.J.**

(rc)